

Message Text

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TO AMEMBASSY OTTAWA

AMCONSUL WINNIPEG

UNCLAS STATE 273953

E.O. 11652: N/A

TAGS: SENV, CA

SUBJECT: GARRISON DIVERSION UNIT

FOLLOWING IS TEXT OF STATEMENT BY DEPUTY ASSISTANT
SECRETARY VINE BEFORE THE HOUSE SUBCOMMITTEE ON CONSER-
VATION, ENERGY AND NATURAL RESOURCES ON NOVEMBER 19:

"MR. CHAIRMAN: I APPRECIATE THE OPPORTUNITY TO TESTIFY
TODAY ON BEHALF OF THE DEPARTMENT OF STATE WITH RESPECT TO
THE INTERNATIONAL ASPECTS OF THE GARRISON DIVERSION UNIT.

"THE CANADIAN GOVERNMENT HAS ON SEVERAL OCCASIONS INDICATED
ITS BELIEF THAT THE GARRISON PROJECT WILL CAUSE POLLUTION
IN CANADA IN VIOLATION OF ARTICLE IV OF THE BOUNDARY WATERS
TREATY. THE UNITED STATES IN TURN HAS ASSURED THE GOVERN-
MENT OF CANADA THAT WE WILL ABIDE BY OUR TREATY COMMITMENTS;
WE HAVE PLACED A VOLUNTARY MORATORIUM ON CONSTRUCTION OF
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THOSE ASPECTS OF THE PROJECT WHICH COULD POTENTIALLY AFFECT
CANADA. THE DEPARTMENT OF STATE BELIEVES THAT
OUR TREATY COMMITMENT MUST BE SCRUPULOUSLY MAINTAINED. THE

BOUNDARY WATERS TREATY OF 1909, THE BASIS OF THIS COMMITMENT, HAS BEEN THE KEYSTONE FOR AMICABLE SETTLEMENTS OF BOUNDARY WATER DISPUTES FOR OVER HALF A CENTURY, AND WE

HAVE SUFFICIENT OCCASION TO REQUIRE SIMILAR RECIPROCAL COMMITMENTS FROM THE GOVERNMENT OF CANADA BASED ON THE SAME PROVISIONS.

"THE TRANSBOUNDARY EFFECTS OF THE GARRISON DIVERSION UNIT HAVE BEEN A MATTER OF DISCUSSION BETWEEN THE US AND CANADIAN GOVERNMENTS SINCE EARLY 1970. AT THAT TIME, THE GOC ASKED TO BE PROVIDED SPECIFIC INFORMATION ABOUT THE PROJECT IN VIEW OF ITS POTENTIAL EFFECTS ON THE SOURIS RIVER IN THE PROVINCE OF MANITOBA. THIS INFORMATION WAS MADE AVAILABLE IN MID-1970.

"A LITTLE OVER A YEAR LATER, IN OCTOBER 1971, THE GOC INFORMED THE DEPARTMENT THAT THE ANTICIPATED CHANGES IN WATER QUALITY IN THE SOURIS RIVER WERE UNACCEPTABLE, AND PROPOSED A MEETING BETWEEN OFFICIALS OF THE TWO GOVERNMENTS TO DISCUSS MEASURES WHICH MIGHT APPROPRIATELY BE TAKEN TO ENSURE THAT THE QUALITY OF THE WATER OF THE SOURIS RIVER PASSING INTO CANADA DID NOT FALL BELOW ITS PRESENT LEVEL. THE USG AGREED TO A MEETING, WHICH WAS HELD IN EARLY 1973. DURING THE MEETING, THE TWO GOVERNMENTS AGREED TO ESTABLISH A TECHNICAL WORKING GROUP TO DISCUSS THE PROJECT'S POTENTIAL TRANSBOUNDARY EFFECTS. THE TECHNICAL WORKING GROUP MET ONLY ONCE. ON THAT OCCASION, THE CANADIAN GOVERNMENT TOOK A NEW POSITION, THAT THE US SHOULD MAKE SUBSTANTIVE GUARANTEES THAT THERE WOULD BE NO CHANGE IN THE RIVER'S WATER QUALITY PRIOR TO TECHNICAL DISCUSSIONS.

"IN OCTOBER 1973, THE CANADIAN GOVERNMENT FIRST FORMALLY INDICATED ITS CONCLUSION THAT THE GARRISON DIVERSION UNIT WOULD RESULT IN A VIOLATION OF ARTICLE IV OF THE BOUNDARY WATERS TREATY. THE CANADIAN GOVERNMENT ALSO EXPANDED ITS CONCERN TO INCLUDE THE RED RIVER, AND URGENTLY REQUESTED UNCLASSIFIED
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THAT THE GOVERNMENT OF THE UNITED STATES ESTABLISH A MORATORIUM ON ALL FURTHER CONSTRUCTION OF THE GARRISON DIVERSION UNIT UNTIL AN UNDERSTANDING COULD BE REACHED AS TO CANADIAN RIGHTS AND INTERESTS.

"IN RESPONSE TO THIS INDICATION OF CONCERN, THE DEPARTMENT OF STATE FORMALLY ADVISED THE CANADIAN GOVERNMENT IN FEBRUARY 1974 THAT THE US WOULD ABIDE BY ITS OBLIGATIONS UNDER THE BOUNDARY WATERS TREATY AND THAT NO CONSTRUCTION OF PROJECT WORKS POTENTIALLY AFFECTING CANADA WOULD BE UNDERTAKEN UNTIL IT WAS CLEAR THAT THOSE OBLIGATIONS WOULD

BE MET. ALL CONCERNED USG AGENCIES CONCURRED IN THIS

POSITION.

"BETWEEN FEBRUARY 1974 AND JANUARY 1975 CONTINUING TECHNICAL EXCHANGES TOOK PLACE BETWEEN THE TWO GOVERNMENTS IN THE FORM OF STUDIES BY BOTH US AND CANADA OFFICIALS ON THE PROJECT'S LIKELY TRANSBoundary EFFECTS, A MEETING OF US AND CANADIAN TECHNICAL REPRESENTATIVES, AND A VISIT BY CANADIAN TECHNICIANS TO THE PROJECT SITE AND TO THE BUREAU OF RECLAMATION'S COMPUTER CENTER.

"THESE TECHNICAL EXCHANGES ESTABLISHED THE BASIS FOR A MEETING OF SENIOR OFFICIALS OF BOTH GOVERNMENTS IN JANUARY 1975. THE OUTCOME OF THAT MEETING WAS AN AD REFERENDUM DECISION TO CONSIDER A REFERENCE TO THE INTERNATIONAL JOINT COMMISSION OR A SIMILAR BODY TO STUDY THE PROBLEM AND TO MAKE RECOMMENDATIONS WHICH WOULD HELP ASSURE THAT A TREATY VIOLATION WOULD NOT OCCUR. NEGOTIATION OF THE TEXT OF A REFERENCE TO THE COMMISSION WAS COMPLETED IN AUGUST 1975. THE TEXT WAS PROMPTLY APPROVED BY ALL CONCERNED US GOVERNMENT AGENCIES, AND AFTER APPROVAL BY THE CANADIAN CABINET, THE BILATERAL REFERENCE WAS SUBMITTED TO THE INTERNATIONAL JOINT COMMISSION ON OCTOBER 22, 1975. THE REFERENCE IS BROADLY BASED, ENCOMPASSES ALL AREAS OF PRESENT AND POTENTIAL DISPUTE, AND AUTHORIZES THE COMMISSION TO LOOK INTO ANY MATTER IT DEEMS RELEVANT.

"THE REFERENCE CALLS FOR THE COMMISSION TO REPORT TO UNCLASSIFIED
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GOVERNMENTS NO LATER THAN OCTOBER 31, 1976. IN THE INTERIM, THE US WILL CONTINUE ITS SELF-IMPOSED MORATORIUM ON PROJECT WORKS POTENTIALLY AFFECTING CANADA. WE EXPECT THAT AN IMPORTANT BY-PRODUCT OF THE REPORT WILL BE A REFINED, MUTUALLY ACCEPTED DATA BASE WHICH WILL PERMIT A CONSIDERED RESPONSE BY GOVERNMENTS TO THE COMMISSION'S RECOMMENDATIONS. THE NEED FOR SUCH A COMMON BASE IS ACUTE GIVEN THE NATURE OF THE TRANSBoundary STREAMS CONCERNED WHICH HAVE WIDELY FLUCTUATING STEAM FLOW AND WATER QUALITY CONDITIONS. IN ADDITION, SUCH A SHARED DATA BASE ASSUMES GREAT IMPORTANCE BECAUSE OF THE SUBSTANTIAL REVISIONS OF THE PREDICTED ENVIRONMENTAL EFFECTS OF THE GARRISON DIVERSION UNIT AS EXPRESSED IN THE BUREAU OF RECLAMATION'S REPORT ENTITLED 'IRRIGATION RETURN FLOWS TO THE SOURIS RIVER AND CANADA' OF MAY 1974. THE IMPACTS PREDICTED IN THAT REPORT VARY CONSIDERABLY FROM THE IMPACTS PREDICTED IN THE BUREAU'S FINAL ENVIRONMENTAL STATEMENT OF JANUARY 10, 1974. BECAUSE OF THESE REVISIONS OF THE AVAILABLE DATA, THE DEPARTMENT OF STATE CANNOT NOW SAY WHETHER CON-

TINUATION OF THE PROJECT, AS PRESENTLY CONCEIVED, WOULD
RESULT IN INJURY TO HEALTH AND PROPERTY IN CANADA. THERE

MAY, HOWEVER, BE A CONTINUING POSSIBILITY THAT SUCH IN-
JURY WILL RESULT, AND THIS POSSIBILITY IS A SOURCE OF CON-
CERN TO THE DEPARTMENT. WITH RESPECT TO THAT CONCERN, I
WISH TO REITERATE THE VIEW ALREADY MADE KNOWN TO THE
COMMITTEE THAT CONSISTENT WITH OUR COMMITMENTS TO CANADA,
THE DEPARTMENT OF STATE WILL FIRMLY OPPOSE ANY CON-
STRUCTION AFFECTING CANADIAN INTERESTS AFTER RECEIPT OF AN
IJC REPORT IF WE BELIEVE ON THE BASIS OF THAT REPORT, OR
OTHERWISE, THAT A VIOLATION OF THE BOUNDARY WATERS TREATY
WOULD RESULT.

"IN YOUR REQUEST FOR TESTIMONY ON THE GARRISON DIVERSION
UNIT, YOU ALSO ASKED OUR VIEW ON THE SIGNIFICANCE OF THE
GARRISON DIVERSION UNIT TO OUR OVERALL RELATIONS WITH
CANADA AND ON OTHER ISSUES PRESENTLY UNDER NEGOTIATION.
THE GARRISON DIVERSION UNIT HAS BEEN A MAJOR CONCERN OF
THE CANADIAN GOVERNMENT OVER THE PAST SEVERAL YEARS.
PRIME MINISTER TRUDEAU RAISED THIS MATTER WITH PRESIDENT
FORD DURING THEIR MEETING LAST DECEMBER. AT THAT TIME,
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THE PRESIDENT ASSURED THE PRIME MINISTER THAT THE US
WOULD ABIDE BY ITS COMMITMENTS TO CANADA. THE ISSUE WAS
AGAIN RAISED DURING SECRETARY KISSINGER'S VISIT TO
OTTAWA LAST MONTH. THE GOC CONTINUES TO VIEW THE
POTENTIAL IMPACT OF THE PROJECT ON CANADIAN WATERS WITH
THE MOST SERIOUS CONCERN. IT HAS MADE ITS VIEWS KNOWN TO
THE CONGRESS THROUGH THE DEPARTMENT OF STATE. A COPY OF
THE CANADIAN STATEMENT TRANSMITTED TO MEMBERS OF CONGRESS
AS WELL AS THE MOST RECENT STATEMENT OF CANADA'S POSITION
HAVE BEEN SUBMITTED FOR THE RECORD.

"FAILURE OF THE TWO GOVERNMENTS TO REACH A MUTUALLY
AGREEABLE SETTLEMENT COULD HAVE AN EFFECT ON OVERALL EN-
VIRONMENTAL AND OTHER COOPERATION WITH CANADA. RIVERS
CROSSING THE US-CANADIAN BORDER RUN BOTH WAYS. IN TWO
SITUATIONS CURRENTLY UNDER DISCUSSION BETWEEN THE TWO
GOVERNMENTS INVOLVING THE POPLAR AND FLATHEAD RIVERS WHICH
RUN INTO THE US, OUR GOVERNMENT IS SEEKING TO ASSURE THAT
DEVELOPMENT ON THE CANADIAN SIDE OF THE BORDER DOES NOT
POLLUTE WATERS RUNNING INTO THE US. NEVERTHELESS, WITH
RESPECT TO THE RELATIONSHIP BETWEEN THE GARRISON DIVERSION
UNIT AND OTHER ISSUES PRESENTLY UNDER NEGOTIATION, BOTH
GOVERNMENTS HAVE STUDIOUSLY AVOIDED LINKING ISSUES. THE
DEPARTMENT OF STATE HAS TAKEN THE POSITION, AND WILL CON-
TINUE TO HOLD THE POSITION, THAT THE TRANSBoundary
PROBLEMS STEMMING FROM THE GARRISON DIVERSION UNIT MUST
BE SETTLED ON THE MERITS OF THE CASE ALONE, WITHOUT REGARD

TO EXTRANEOUS CONSIDERATION. ANY OTHER POLICY WOULD BE COUNTERPRODUCTIVE, AND WOULD RISK INJURY TO NON-RELATED US INTERESTS.

"YOU ALSO ASKED THAT WE INFORM YOU OF OUR VIEW OF THE ADEQUACY OF THE INFORMATION AND TECHNICAL ASSISTANCE BEING PROVIDED BY THE BUREAU OF RECLAMATION. I AM SATISFIED THAT WE ARE GETTING THE MOST POSITIVE COOPERATION FROM THE BUREAU OF RECLAMATION. ALL OUR REQUESTS FOR TECHNICAL DATA OR OTHER INFORMATION HAVE BEEN FULLY MET, AND THE DEPARTMENTS OF STATE AND INTERIOR HAVE CAREFULLY COORDINATED PAST POSITIONS. ONE INSTANCE OF A SUPPOSED BREAKDOWN OF INFORMATION FLOW HAS BEEN WIDELY CITED IN THE PRESS, BUT I MOST NOTE HERE THAT COMMISSIONER STAMM UNCLASSIFIED UNCLASSIFIED

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INFORMED ME ORALLY AND FULLY OF THE CONSIDERATIONS INVOLVED PRIOR TO OUR DISCUSSION OF THE ISSUE WITH CANADIAN GOVERNMENT REPRESENTATIVES. I DO NOT BELIEVE THAT I OR THE DEPARTMENT OF STATE HAVE BEEN HAMPERED IN ANY WAY BY A LACK OF INFORMATION FROM OUR COLLEAGUES IN THE BUREAU OF RECLAMATION.

"I HAVE SUBMITTED TO YOUR COMMITTEE STAFF COPIES OF PERTINENT DIPLOMATIC CORRESPONDENCE, A STATEMENT OF THE CANADIAN GOVERNMENT AS TO ITS POSITION WITH RESPECT TO THE PROJECT, A COPY OF THE REFERENCE TO THE COMMISSION, COPIES OF PERTINENT CANADIAN STUDIES, AND RELEVANT PRESS RELEASES FROM THE GOVERNMENTS AND THE INTERNATIONAL JOINT COMMISSION. I AM PREPARED TO ANSWER QUESTIONS RELATING TO MY TESTIMONY, THE DOCUMENTS SUBMITTED, OR TO ANY OTHER MATTER RELATING TO THE INTERNATIONAL ASPECTS OF THE PROJECT." KISSINGER

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